

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DAWN SKYE DRAKE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TAMARA FLINT,

Respondent-Appellant.

UNPUBLISHED

April 5, 2005

No. 260138

Ionia Circuit Court

Family Division

LC No. 04-000006-NA

Before: Kelly, P.J., and Sawyer and Wilder, JJ.

MEMORANDUM.

Respondent voluntarily released her parental rights to her two minor children. She appeals from an order denying her motion to vacate the release with regard to the younger child. Respondent did not seek to revoke the release with regard to the older child. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent does not argue that the release was unknowingly or involuntarily made. Instead, she argues that the trial court abused its discretion when it failed to consider the child's best interests. We disagree. Respondent had a simple change of heart, which is not a sufficient basis upon which to vacate an otherwise valid parental release. See *In re Burns*, 236 Mich App 291, 292; 599 NW2d 783 (1999); *In re Curran*, 196 Mich App 380; 493 NW2d 454 (1992); *In re Blankenship*, 165 Mich App 706, 713; 418 NW2d 919 (1988). Respondent wanted to continue her parental relationship with the child because the child was likely to interact with respondent's family members. She failed to offer evidence regarding how the continued relationship would benefit the child. In fact, she admitted that the child was doing well with the child's father. Respondent admitted that she was not in compliance with the parent-agency agreement in that she failed to regularly attend visitation with the child, failed to find employment, failed to find a home of her own, and failed to address her mental health issues. Respondent also admitted that she did not want to revoke the release of her rights to the older child, which is further evidence that respondent's own interests, and not the best interests of her children, was her paramount concern. Because respondent's release was knowingly and voluntarily made and because it was not in the child's best interests to set aside the release, the trial court did not abuse its discretion when it denied respondent's motion.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ David H. Sawyer

/s/ Kurtis T. Wilder